

the State of Texas; providing for the necessary election, form of ballot, proclamation, and publication.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
April 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on En-grossed and Enrolled Bills, to which was referred:

S. B. No. 108, An Act amending Acts 1953, 53rd Legislature of the State of Texas, Chapter 268 (Vernon's Article 8280-155) which created Wise County Water Supply District by enlarging and redefining the boundaries of Wise County Water Supply District; validating the appointment and the fixing of terms of the Board of Directors of such District; changing the method of appointing Directors; prescribing methods of annexation of territory to the District; authorizing the District to construct facilities for receiving, treating and transporting water purchased from others; authorizing the District to contract with the City of Decatur for operation of the District's facilities by the said city; validating contracts heretofore made with others for the purchase of water; authorizing the District to employ the tax rolls of the City of Decatur and employ the tax assessor and collector of the said city; and declaring an emergency.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
April 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on En-grossed and Enrolled Bills, to which was referred:

S. B. No. 34, An Act relating to the authority and responsibilities of and the records kept by the State Commission for the Blind; amending Section 2, Chapter 80, General Laws, Acts of the 42nd Legislature, Regular Session, 1931, and adding a new Section 2a; amending Section 2, Chapter 216, Acts of the 49th Legislature, 1945; amending Section

3, Chapter 23, Acts of the 41st Legislature, 1st Called Session, 1929, as amended; amending Section 1, Chapter 241, Acts of the 49th Legislature, 1945; and declaring an emergency.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Sent to Governor

April 5, 1965

S. B. No. 374

S. B. No. 108

S. J. R. No. 7

S. C. R. No. 65

FORTY-FIFTH DAY

(Tuesday, April 6, 1965)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Snelson
Hazlewood	Spears
Herring	Strong
Hightower	Watson
Kazen	Word

Absent—Excused

Colson

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence

Senator Colson was granted leave of absence for today on account of important business on motion of Senator Aikin.

Reports of Standing Committees

Senator Kazen submitted the following report:

Austin, Texas,
April 6, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to which was referred S. J. R. No. 6, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass, and be printed.

KAZEN, Chairman.

C. S. S. J. R. No. 6 was read the first time.

Senator Blanchard submitted the following reports:

Austin, Texas,
April 6, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Insurance, to which was referred S. B. No. 454, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

BLANCHARD, Chairman.

Austin, Texas,
April 6, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Insurance to which was referred S. B. No. 444, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass, and be printed.

BLANCHARD, Chairman.

C. S. S. B. No. 444 was read the first time.

Austin, Texas,
April 6, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Insurance to which was referred S. B. No. 210, have had the same under consid-

eration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BLANCHARD, Chairman.

Senator Ratliff submitted the following reports:

Austin, Texas,
April 6, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 292, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

RATLIFF, Chairman.

Austin, Texas,
April 6, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 404, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

RATLIFF, Chairman.

Austin, Texas,
April 6, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 373, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

RATLIFF, Chairman.

Austin, Texas,
April 6, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 43, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

RATLIFF, Chairman.

Austin, Texas,
April 6, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 159, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

RATLIFF, Chairman.

Austin, Texas,
April 6, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 484, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

RATLIFF, Chairman.

Austin, Texas,
April 6, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 61, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

RATLIFF, Chairman.

Austin, Texas,
April 6, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 322, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

RATLIFF, Chairman.

Senator Hall submitted the following reports:

Austin, Texas,
April 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Trans-

portation, to which was referred S. B. No. 102, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass, and be printed.

HALL, Chairman.

C. S. S. B. No. 102 was read the first time.

Austin, Texas,
April 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Transportation, to which was referred S. B. No. 490, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HALL, Chairman.

Senator Ratliff submitted the following report:

Austin, Texas,
April 6, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 491, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

RATLIFF, Chairman.

Senate Resolution 410

Senator Hardeman offered the following resolution:

Whereas, The State of Texas leads the nation in production of sheep, Angora goats, lambs, wool and mohair, and it is appropriate that the Wool Capital of the World, San Angelo, Texas, should be the setting for the Miss Wool of America Pageant, to be presented this year on Friday, April 9; and

Whereas, This pageant, with its Miss Wool of America contest, was initiated in 1958, but even earlier the Miss Wool of Texas contest, though only statewide, had pointed out the advantages to the wool industry which could be obtained by a major national pageant; and

Whereas, Walter Pfluger, Eden ranchman, Chairman of the pageant this year, and his able assistant, Vice Chairman Fred Conn, San Angelo newspaper publisher, are carrying on in the tradition established by those earlier ranchers, civic leaders and industrialists—men like Wallace Moritz of San Angelo, who directed the first contest in August, 1958; James L. Powell, Fort McKavett ranchman, 1959 Chairman; Marshall Jones, San Angelo, 1960; Stanton Bundy, Sonora, 1961; E. S. (Scotty) Newman, San Angelo, 1962; G. C. Magruder Jr., San Angelo, 1963; and Bruce H. Fisher, San Angelo, 1964—to focus the attention of the world upon this great industry which added over \$50 million to the Texas economy alone in 1964; and

Whereas, The pageant, co-sponsored by the San Angelo Board of City Development and the American Sheep Producers Council, is being staged professionally in San Angelo Coliseum on Friday night, following a parade through downtown San Angelo in the afternoon, and the climax of the program will be the presentation of the 20 young women, whose beauty, poise and talent made them ambassadors from the 20 regional wool councils of America and candidates for Miss Wool of America, with the scholarship and prizes which the award brings; and

Whereas, The Texas candidate is Miss Lynda Rhea Allen, lovely 21-year-old student at Texas Technological College and daughter of Mr. and Mrs. Worth Allen of Sterling City, who proudly represents her state which claims 20 per cent of the nation's sheep, 97 per cent of its Angora goats, over 25,000 sheep and goat producers, 100 wool and mohair warehouses, four scouring plants, a mohair combing plant, and a number of wool and mohair mills; and

Whereas, The Senate of the State of Texas wishes to commend state and national leaders in the wool and mohair industry who are assisting in the Miss Wool of America Pageant, an enterprise which brings untold benefits to a major Texas industry and to the state's entire economy; now, therefore, be it

Resolved, That the Senate of the 59th Legislature by this Resolution, congratulates the new Miss Wool of America following her coronation and extends best wishes to the officials

and directors of the Miss Wool of America Pageant; and be it further

Resolved, That copies of this Resolution, under the Seal of the Senate of Texas, be forwarded to Miss Lynda Rhea Allen, Miss Wool of Texas; and to all past and present Chairmen and Vice-Chairmen and other officials of sponsoring organizations for their great contributions to the success of the 1965 Miss Wool of America Pageant.

The resolution was read and was adopted.

Senate Resolution 421

Senator Parkhouse offered the following resolution:

Whereas, Today, March 11, is the annual Industrial Show in the City of Garland, Texas; and

Whereas, This show has grown from eleven exhibitors in 1955 to 39 exhibitors in 1965; and

Whereas, The industrial community in Garland won first place in the State for its industrial show in 1962; and

Whereas, Garland has become one of the outstanding industrial centers in Texas through the close cooperation of its ever-alert and hard-working Chamber of Commerce, headed this year by William L. Taylor and Bruce Williams as Manager; and

Whereas, The Industrial Show this year, under the chairmanship of Mr. Tom Lester, will be one of the most outstanding industrial exhibits in the State, showing not only the varied industries of the community, but having for entertainment the Garland High School A Cappella Choir and other cultural groups from the City; now, therefore, be it

Resolved, by the Senate of the State of Texas, That the City of Garland, its Chamber of Commerce and its industrial community be commended for their efforts in bringing to Texas some of the great manufacturing and distributing corporations in the nation as well as providing leadership in its local-owned industries in the field of electronics and manufacturing of men's hats by the Byer-Rolnick Hat Company, one of America's largest hat manufacturers; and be it further

Resolved, That copies of this Resolution be forwarded to the Garland Chamber of Commerce.

The resolution was read and was adopted.

Senate Bill 492 on First Reading

Senator Herring moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—27

Aikin	Kazen
Bates	Kennard
Blanchard	Krueger
Calhoun	Parkhouse
Cole	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Schwartz
Hardeman	Snelson
Harrington	Strong
Hazlewood	Watson
Herring	Word
Hightower	

Absent

Moore	Spears
Rogers	

Absent—Excused

Colson

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Herring:

S. B. No. 492, A bill to be entitled "An Act relating to issuance of duplicates for lost, stolen, destroyed, or mutilated school district bonds; and declaring an emergency."

To the Committee on Education.

Senate Bill 493 on First Reading

Senator Herring moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—27

Aikin	Cole
Bates	Creighton
Blanchard	Crump
Calhoun	Dies

Hall	Patman
Hardeman	Ratliff
Harrington	Reagan
Hazlewood	Richter
Herring	Schwartz
Hightower	Snelson
Kazen	Strong
Kennard	Watson
Krueger	Word
Parkhouse	

Absent

Moore	Spears
Rogers	

Absent—Excused

Colson

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Herring:

S. B. No. 493, A bill to be entitled "An Act to amend Subsection B4, Section 5, Chapter 352, Acts of the 50th Legislature, 1947 (compiled as Subsection B4, Section 5, Article 6228a, Vernon's Texas Civil Statutes), as amended, to permit re-employment by the State of retired appointive officers or employees on a limited part-time or consulting basis without loss of benefits under the Employees Retirement System; providing a severability clause; and declaring an emergency."

To the Committee on Jurisprudence.

Senate Bill 494 on First Reading

Senator Reagan moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Hazlewood
Bates	Herring
Blanchard	Hightower
Calhoun	Kazen
Cole	Kennard
Creighton	Krueger
Crump	Parkhouse
Dies	Patman
Hall	Ratliff
Hardeman	Reagan
Harrington	Richter

Rogers	Strong
Schwartz	Watson
Snelson	Word
Spears	

Absent

Moore

Absent—Excused

Colson

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Reagan:

S. B. No. 494, A bill to be entitled "An Act amending Chapter 524, Acts Regular Session 58th Legislature, as amended relative to eligibility for membership in the Employees Retirement System of Texas; and declaring an emergency."

To the Committee on State Affairs.

Senate Bill 495 on First Reading

Senator Reagan moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Kennard
Bates	Krueger
Blanchard	Parkhouse
Calhoun	Patman
Cole	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

Absent

Moore

Absent—Excused

Colson

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Reagan:

S. B. No. 495, A bill to be entitled "An Act authorizing the governing board of Texas College of Arts and Industries to purchase certain farming equipment and lands, crops and horticultural and agricultural products; providing for the issuance of negotiable revenue bonds for certain purposes; providing for the securing and payment of such obligations by the pledge of revenues received from services rendered and from the sale, handling or disposal of the crops and horticultural and agricultural products thus purchased or hereafter grown or raised upon the land thus purchased, and by the mortgage of the equipment, crops to be grown and land thus purchased; providing that the bonds thus authorized shall be legal and authorized investments; providing for the approval of such bonds by the Attorney General and the registration thereof by the Comptroller of Public Accounts; containing a severance clause; enacting other provisions related to the subject; and declaring an emergency."

To the Committee on Education.

Senate Bill 496 on First Reading

The following local bill was introduced, read first time and referred to the Committee indicated:

By Senator Richter:

S. B. No. 496, A bill to be entitled "An Act to authorize and require the appointment of an official shorthand reporter of the 25th Judicial District of Texas; fixing maximum and minimum salary to be paid in addition to compensation for transcripts, statements of facts and other fees; and fixing allowance for travel and hotel expense; providing the time, method and manner of payment; repealing all laws or parts of laws in conflict; providing a saving clause; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

Senate Bill 497 on First Reading

Senator Watson moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Snelson
Hazlewood	Spears
Herring	Strong
Hightower	Watson
Kazen	Word

Absent—Excused

Colson

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Watson:

S. B. No. 497, A bill to be entitled "An Act relating to the salary of the district clerk in certain counties; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

Senate Bill 498 on First Reading

Senator Hardeman moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Snelson
Hazlewood	Spears
Herring	Strong
Hightower	Watson
Kazen	Word

Absent—Excused

Colson

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senators Hardeman and Herring:

S. B. No. 498, A bill to be entitled "An Act to amend Section 1 and Subsections (a) and (c) of Section 22, of Chapter 173, page 245, Acts of the Forty-Seventh Legislature, 1941, as amended, codified as Article 6687b, Vernon's Annotated Civil Statutes, so as to add a definition and to make more certain the Legislative intent that the Department shall not have the authority to determine the length of license suspension as set out in said sections; and declaring an emergency."

To the Committee on Jurisprudence.

Senate Concurrent Resolution 67

Senator Cole offered the following resolution:

S. C. R. No. 67, Granting H. Kempner Cotton Company permission to sue the State.

Whereas, H. Kempner Cotton Company is a corporation organized under the laws of the State of Texas whose articles of incorporation were filed in duplicate with the Secretary of State of Texas on July 7, 1958; and

Whereas, Since its incorporation, it claims that each year it has had gross receipts from its business done in Texas and gross receipts from its business done outside of Texas; and

Whereas, Under the laws of the State of Texas prescribing franchise taxes that H. Kempner Cotton Company should pay to the State of Texas since its incorporation said Company was required to pay a franchise tax measured by that proportion of its stated capital, surplus and undivided profits and outstanding bonds, notes and debentures that its total gross receipts from its business done in Texas each year bore to its total gross receipts from its entire business for each respective year, but the said H. Kempner Cotton Company claims that it has each year since its incorporation duly and within the time prescribed by law filed with the State of Texas its franchise tax returns and paid the franchise tax shown thereon, but has erroneously computed its taxes upon its entire stated capital, surplus and undivided profits, and outstanding bonds, notes and debentures,

and said Company therefore claims that it has overpaid its said franchise taxes to the State of Texas; and

Whereas, There is no provision of law whereby any such taxes that may have been so overpaid by said Company may be returned or recovered except through a direct appropriation of the Legislature, and there is no machinery set up under the laws of the State of Texas to determine accurately and definitely just what amount of said taxes should be returned to said Company, if any, and, in order to accurately and definitely determine the same, it is the policy of this Legislature to let a court of competent jurisdiction pass upon the same; now, therefore, be it

Resolved by the Senate of the State of Texas, with the House of Representatives concurring, That H. Kemper Cotton Company be and the same is hereby granted permission to bring suit against the State of Texas in any court of competent jurisdiction in Travis County, Texas, to determine definitely and accurately what amount of said franchise taxes it may have overpaid to the State of Texas, if any, because of its having computed its taxes upon its entire stated capital, surplus and undivided profits, and outstanding bonds, notes and debentures, instead of computing its said franchise taxes upon that proportion of its stated capital, surplus and undivided profits, and outstanding bonds, notes and debentures, that its gross receipts from its business done in Texas in each respective year bore to its total gross receipts from its entire business for each such year, and in the event such suit is filed service of citation for the purposes herein granted may be served upon the State of Texas by serving the Attorney General, the Secretary of State and the Comptroller of Public Accounts; and, be it further

Resolved, That nothing herein shall be construed as an admission on the part of the State of Texas, or any of the departments or agencies of the State of Texas, as to the validity of any allegations or claims asserted in said suit, but that all allegations and claims asserted in said suit must be proved as in other suits under the same rules of evidence and the same laws as apply in, and govern the trial of, other cases; and, be it further

Resolved, That nothing herein shall be construed as a waiver of any defenses, of fact as well as law, that

may be asserted by, or available to, the State of Texas, or any of the departments or agencies of the State of Texas, or any of the political subdivisions of the State of Texas, in said suit, but that all such defenses are hereby specifically reserved.

The resolution was read and was referred to the Committee on Jurisprudence.

Senate Concurrent Resolution 68

Senator Richter offered the following resolution:

S. C. R. No. 68, Creating a Planning Agency Council for Texas.

Whereas, The economy of Texas has enjoyed an unprecedented boom for more than a decade, and there is every indication that this surge in growth and development will continue if needs of the more than nine-and-a-half-million citizens of the State are to be met; and

Whereas, Through the years the Texas Legislature has given statutory planning authority to a number of state departments and agencies, many of which have programs and plans giving promise of untold improvements and resulting advantages to Texans, but there is no convenient "clearing house" for these ideas, no central agency to coordinate activities into a unified, overall program which could efficiently eliminate overlapping or conflicting operations; and

Whereas, There is a great need for a central planning agency, a coordinating body which has the authority to review and unify such state efforts for improvement as may be underway or envisioned—adequate water supply; new parks and other recreation facilities; transportation plans, including highways and public transit; other programs involving the use of federal, state and local funds, such as the President's anti-poverty program and the broad scope of projects designed to benefit Texas citizens; now therefore be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, That a Planning Agency Council for Texas be, and it is hereby, created to serve as the official coordinating planning agency for the State; and be it further

Resolved, That the Planning Agency Council for Texas shall initially

include the following member agencies: the State Department of Health; the Texas Highway Department; the Texas Industrial Commission; the Parks and Wildlife Department; the State Soil Conservation Board; the Texas Employment Commission; the Railroad Commission of Texas; and the Texas Water Development Board. Additional state agencies may be added to the Council by proposal of the Governor and approval of a majority of member agencies; and be it further

Resolved, That each member agency shall be represented at meetings of the Council by the administrative head of the agency; however, the administrative head may designate a planning representative from his agency to serve on planning committees of the Council. Personnel of the Governor's Office shall perform all administrative and coordinative duties of the Council, but no additional compensation shall be paid to these employees or to officials and employees of member agencies for any additional duties resulting from their activities in connection with the Council; and be it further

Resolved, That the Planning Agency Council for Texas shall have the authority to contract for, accept and expend gifts, grants, allocations or matching funds from any source, public or private, state, local or federal, for use in planning for the economic development of this State and its political subdivisions, and the Council may arrange for services with any state agency or agencies for the development of comprehensive plans through procedure provided by the Interagency Cooperation Act; and be it further

Resolved, That immediately following the adoption of this Resolution, the Council shall begin the preparation of a unified development plan whereby the State of Texas can define, establish and promote the common goals that will best serve the interests of all Texas citizens, and shall present to the Legislature periodically such reports and proposals as may be developed to this end.

The resolution was read and was referred to the Committee on State Affairs.

Messages From the Governor

The following messages received from the Governor were read and

were referred to the Committee on Nominations:

Austin, Texas,
April 5, 1965.

To the Senate of the Fifty-Ninth Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be Associate Justice of the Court of Civil Appeals for the Fourth Supreme Judicial District, to fill the unexpired term of Judge Jack Pope, resigned: Carlos C. Cadena of San Antonio, Bexar County.

Respectfully submitted,
JOHN CONNALLY,
Governor of Texas

Austin, Texas,
April 6, 1965.

To the Senate of the Fifty-Ninth Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be a member of the Pilot Commissioners for the Sabine Bar, Pass and Tributaries, to fill the unexpired term of Neal D. Radar, deceased, term to expire June 15, 1965: Donald C. Webb of Port Arthur, Jefferson County.

Respectfully submitted,
JOHN CONNALLY,
Governor of Texas.

Special Notice on House Bill 97

Senator Patman gave notice that he would on Wednesday, April 7, 1965, move to call from the President's table H. B. No. 97 and the Journal of Thursday, April 1, 1965, will be corrected to show that the motion was made on that date.

Senate Joint Resolution 18, Senate Bills 135 and 37 Laid on Table

On motion of Senator Cole and by unanimous consent S. J. R. No. 18 and Senate Bills Nos. 135 and 37 were Laid on the Table.

Senate Joint Resolution 24 on Third Reading

Senator Hardeman asked unanimous consent to suspend the regular order of business and take up S. J. R. No. 24 for consideration at this time.

There was objection.

Senator Hardeman then moved to suspend the regular order of business and take up S. J. R. No. 24 for consideration at this time.

The motion prevailed by the following vote:

Yeas—22

Aikin	Kennard
Bates	Moore
Blanchard	Parkhouse
Cole	Ratliff
Creighton	Reagan
Crump	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Snelson
Hazlewood	Watson
Hightower	Word

Nays—8

Calhoun	Krueger
Dies	Patman
Herring	Spears
Kazen	Strong

Absent—Excused

Colson

The President laid before the Senate on its third reading and final passage:

S. J. R. No. 24, Proposing an Amendment to the Constitution of the State of Texas by amending Article VII, Section 17, providing a method of payment for the repairing, rehabilitating, acquiring, constructing and equipping of buildings and other permanent improvements at certain State institutions of higher learning; providing for appropriation therefor by the Legislature; providing for an election and the issuance of a proclamation therefor.

The resolution was read third time and was passed by the following vote:

Yeas—21

Aikin	Moore
Bates	Parkhouse
Blanchard	Ratliff
Cole	Reagan
Creighton	Richter
Crump	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Watson
Hazlewood	Word
Kennard	

Nays—9

Calhoun	Krueger
Dies	Patman
Herring	Spears
Hightower	Strong
Kazen	

Absent—Excused

Colson

Reason for Vote

While the purpose of this measure in providing funds for college building programs is worthy, the method chosen for taxation to raise the funds could not be more inequitable.

Rather than raising the state ad valorem tax, the state should get completely out of the ad valorem tax field. There are two primary reasons for this: First, the ad valorem tax collected by the state is tremendously inequitable as between taxpayers of different counties because of the vast variance in the assessment practices of the counties, ranging from 5% of market value to 65%. Secondly, since ad valorem taxation constitutes the primary source (and in many cases the sole source) of revenue for local governments, the state should abandon the area completely to local government.

In financing the college building program, practically any other tax we would select would be fairer than an increase in the state ad valorem tax. The program should be financed but in another way.

As sponsor of S. J. R. No. 21, taking the state out of the ad valorem tax field, I could not vote for S. J. R. No. 24 and be consistent.

SPEARS

**Senate Joint Resolution 1 on
Second Reading**

The President laid before the Senate on its second reading and passage to engrossment S. J. R. No. 1, (the resolution having been read the second time on Tuesday, March 30, 1965, and an amendment by Senator Parkhouse pending and again laid before the Senate on yesterday and postponed until today following the Morning Call).

Question—Shall the amendment by Senator Parkhouse to S. J. R. No. 1 be adopted?

The amendment by Senator Park-

house to S. J. R. No. 1 was adopted by the following vote:

Yeas—23

Aikin	Moore
Bates	Parkhouse
Blanchard	Patman
Calhoun	Ratliff
Cole	Reagan
Crump	Richter
Dies	Rogers
Hall	Snelson
Hardeman	Strong
Hazlewood	Watson
Hightower	Word
Kazen	

Nays—6

Harrington	Krueger
Herring	Schwartz
Kennard	Spears

Absent

Creighton

Absent—Excused

Colson

Senator Moore offered the following amendment to the resolution:

Amend S. J. R. No. 1 by inserting in line 65 of the printed copy thereof between the words "Authority" and "for" the following:

"except the property of state regulated common carriers required by law to pay a tax upon intangible assets."

The amendment was read and was adopted by the following vote:

Yeas—20

Aikin	Hightower
Bates	Krueger
Blanchard	Moore
Cole	Parkhouse
Calhoun	Ratliff
Crump	Reagan
Hardeman	Richter
Harrington	Rogers
Hazlewood	Watson
Herring	Word

Nays—10

Creighton	Patman
Dies	Schwartz
Hall	Snelson
Kazen	Spears
Kennard	Strong

Absent—Excused

Colson

The resolution as amended was passed to engrossment.

Senate Joint Resolution 1 on Third Reading

Senator Kennard moved that Senate Rule 32 and the Constitutional Rule requiring resolutions to be read on three several days be suspended and that S. J. R. No. 1 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Kennard
Bates	Krueger
Calhoun	Parkhouse
Cole	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word

Nays—4

Blanchard	Moore
Kazen	Patman

Absent—Excused

Colson

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and passed by the following vote:

Yeas—25

Aikin	Kennard
Bates	Krueger
Calhoun	Moore
Cole	Parkhouse
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Snelson
Hazlewood	Spears
Herring	Watson
Hightower	

Nays—5

Blanchard	Strong
Kazen	Word
Patman	

Absent—Excused

Colson

Message From the House

Hall of the House of Representatives,
Austin, Texas,
April 6, 1965.

Hon. Preston Smith, President of the
Senate.

Sir: I am directed by the House to
inform the Senate that the House has
passed the following:

H. C. R. No. 80, Granting permis-
sion to either House to adjourn from
Thursday, April 15, 1965, to Tuesday,
April 20, 1965.

S. C. R. No. 64, Inviting the Honorable
Praxedis Balboa of the State of
Tamaulipas, Mexico, to address a
Joint Session of the 59th Legislature
on April 8, 1965.

H. C. R. No. 81, Congratulating
Lloyd N. Hand and his family.

H. B. No. 541, A bill to be entitled
"An Act relating to enforcement of
the law prohibiting shooting on public
roads; amending Section 1, Chapter
3, General Laws, Acts of the 41st
Legislature, 2nd Called Session,
1929; and declaring an emergency."

The House has adopted the Conference
Committee Report on H. J. R.
No. 11 by a vote of 145 ayes, 3 noes.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk House of Representatives

Reports of Standing Committees

Senator Ratliff by unanimous consent
submitted the following report:

Austin, Texas,
April 6, 1965.

Hon. Preston Smith, President of the
Senate.

Sir: We, your Committee on Counties,
Cities and Towns, to whom was
referred S. B. No. 497, have had the
same under consideration, and we are
instructed to report it back to the
Senate with the recommendation that
it do pass, and be printed.

RATLIFF, Chairman.

Senator Moore by unanimous consent
submitted the following reports:

Austin, Texas,
April 6, 1965.

Hon. Preston Smith, President of the
Senate.

Sir: We, your Committee on Education,
to whom was referred S. B. No.
492, have had the same under consideration,
and I am instructed to report it back to the
Senate with the recommendation that it do
pass, and be printed.

MOORE, Chairman.

Austin, Texas,
April 6, 1965.

Hon. Preston Smith, President of the
Senate.

Sir: We, your Committee on Education,
to which was referred S. B. No.
265, have had the same under consideration,
and I am instructed to report it back to the
Senate with the recommendation that it do
pass, and be printed.

MOORE, Chairman.

Senate Joint Resolution 44 on
Second Reading

The President laid before the Senate
as Unfinished Business S. J. R.
No. 44, (the resolution having been
read the second time on yesterday and
postponed until today).

Question—Shall S. J. R. No. 44 be
passed to engrossment?

Senator Crump offered the following
amendment to the resolution:

Amend S. J. R. No. 44 by striking
out all below the resolving clause and
substituting in lieu thereof the following:

"Section 1. That Sections 2, 3, and
25 of Article III of the Constitution
of the State of Texas be amended to
read respectively as follows:

'Sec. 2. The Senate shall consist of
39 members, and shall never be increased
above this number. The House of
Representatives shall consist of 150
members.

'Sec. 3. The Senators shall be chosen
by the qualified electors for the
term of six years; but a new Senate
shall be chosen after every apportionment,
and the Senator elected after each
apportionment shall be divided by lot
into three classes. The seats of the
Senators of the first class shall be
vacated at the expiration of the

first two years, those of the second class at the expiration of four years, and those of the third class at the expiration of six years, so that one-third of the Senators shall be chosen biennially thereafter.

'Sec. 25. The State shall be divided into Senatorial Districts of contiguous territory according to population, as nearly as may be, and each district shall be entitled to elect one Senator.

"Should the Legislature enact any enabling legislation in anticipation of this Amendment, no such laws shall be voided by reason of its anticipatory nature.

"This Amendment shall become effective upon its adoption.'"

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this State at an election to be held on the 7th day of August, 1965, at which election all ballots shall have printed on them the following:

"FOR the Constitutional Amendment increasing the membership of the State Senate from 31 to 39 members, retaining the present membership of the House of Representatives, increasing the length of Senators' terms from four to six years, requiring apportionment of the Senate according to population, and deleting the limitation that no single county is entitled to more than one Senator.

"A G A I N S T the Constitutional Amendment increasing the membership of the State Senate from 31 to 39 members, retaining the present membership of the House of Representatives, increasing the length of Senators' terms from four to six years, requiring apportionment of the Senate according to population, and deleting the limitation that no single county is entitled to more than one Senator."

The amendment was read.

Question—Shall the amendment by Senator Crump to S. J. R. No. 44 be adopted?

Bill Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bill:

S. B. No. 399, A bill to be entitled "An Act authorizing certain school

districts to issue time warrants; and declaring an emergency."

Recess

Senator Word moved that the Senate take recess until 2:00 o'clock p.m. today.

Senator Krueger moved that the Senate stand adjourned until 10:30 o'clock a.m. tomorrow.

Question first on the motion by Senator Krueger to adjourn until 10:30 o'clock a.m. tomorrow, the motion was lost.

Question next on the motion by Senator Word to take recess until 2:00 o'clock p.m. today, the motion prevailed.

Accordingly, the Senate at 12:00 o'clock M. took recess until 2:00 p.m. today.

After Recess

The President called the Senate to order at 2:00 o'clock p.m. today.

Leave of Absence

Senator Moore was granted leave of absence for today on account of important business on motion of Senator Hardeman.

Senate Bill 74 With House Amendments

Senator Herring called S. B. No. 74 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

Committee Amendment No. 1

Amend S. B. No. 74 by providing that Section 20 (f) (3) of Article 3271A (found in Section 7 of said S. B. No. 74) shall read as follows:

"... (3) other buildings, except public buildings included under Section 19 of this act, having no more than one story and containing no clear span between supporting structures greater than 24 feet on the narrow side and having a total floor area not in excess of five thousand square feet; provided that on unsupported spans greater than 24 feet on such buildings only the trusses, beams, or other roof supporting members need to be en-

gineered or pre-engineered; provided that no representation is made or implied that engineering services have been or will be offered to the public."

Committee Amendment 2

Amend Section 7 of S. B. No. 74 as passed by the Senate and sent to the House by adding to Section 20 of Chapter 404, Acts of the 45th Legislature, Regular Session, 1937, (codified as Title 52A, Article 3271a, Revised Civil Statutes of Texas) a new subparagraph to be designated subparagraph (j) which shall read as follows:

(j) Nothing in this Act shall be construed or applied so as to prohibit or in any way restrict any person from giving testimony or preparing exhibits or documents for the sole purpose of being placed in evidence before any administrative or judicial tribunal of competent jurisdiction."

Committee Amendment 3

Amend Section 9 of S. B. No. 74 by adding at the end thereof the following:

"Provided, however, that this Act shall not be construed to affect or prevent the practice of any other legally recognized profession by the members of such profession licensed by this State."

Committee Amendment 4

Amend subparagraph (g) of Section 7 of Senate Bill No. 74 by inserting immediately following the words "private corporation" in lines 22 and 25 (Official House Printing) the words "and/or its affiliates."

Committee Amendment 5

Amend S. B. No. 74 by adding the words "or co-operative utility" in Section 20, subsection (h) on second line in said paragraph following the words "... privately owned public utility".

Committee Amendment 6

Amend S. B. No. 74 by adding after "Section 8" the following:

"Section 8a. In any proceeding for injunction as provided in Section 8, above, the defendant may assert and prove as a complete defense to such action that he was deprived of certification by the Board by action or proceedings of the Board which were (1) arbitrary or capricious

(2) contrary to legal requirements
(3) conducted without due process of law."

Committee Amendment 7

Amend Section 7, S. B. 74, as amended, by adding a new subsection "(j)":

"(j) Nothing in this Act shall apply to any agricultural work being performed in carrying out soil and water conservation practices."

Committee Amendment 8

Amend S. B. No. 74 by adding at line 6 on page 2 the following:

"There is specifically reserved to graduates of all public universities recognized by the American Association of Colleges and Universities the right to disclose any college degrees received by such individual and use the words 'Graduate Engineer' on his stationery, business cards and personal communications of any character."

The House amendments were read.

Senator Herring moved that the Senate concur in the House amendments.

The motion prevailed.

Record of Votes

Senators Crump, Patman and Krueger asked to be recorded as voting "Nay" on the concurrence in House Amendments to S. B. No. 74.

Message From the House

Hall of the House of Representatives
Austin, Texas,
April 6, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House refused to concur in Senate amendments to H. C. R. No. 15 and has requested the appointment of a Conference Committee to consider the differences between the two Houses.

The House has adopted the Conference Committee Report on Senate Bill No. 289 by a vote of 136 ayes, 3 noes.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk House of Representatives

Senate Joint Resolution 44 on Second Reading

The Senate resumed the consideration of the pending business (same being S. J. R. No. 44 with an amendment by Senator Crump pending).

Question—Shall the amendment by Senator Crump to S. J. R. No. 44 be adopted?

The amendment by Senator Crump was adopted.

The resolution as amended was then passed to engrossment.

Record of Votes

Senators Patman and Hightower asked to be recorded as voting "Nay" on the passage to engrossment of S. J. R. No. 44.

Senate Joint Resolution 44 on Third Reading

Senator Crump moved that the Constitutional Rule and Senate Rule 32 requiring resolutions to be read on three several days be suspended and that S. J. R. No. 44 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Krueger
Bates	Parkhouse
Blanchard	Ratliff
Calhoun	Reagan
Creighton	Richter
Crump	Rogers
Dies	Schwartz
Hall	Snelson
Harrington	Spears
Herring	Strong
Kazen	Watson
Kennard	Word

Nays—2

Hightower	Patman
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Absent

Cole	Hazlewood
Hardeman	

Absent—Excused

Colson	Moore
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The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—23

Aikin	Krueger
Bates	Parkhouse
Blanchard	Ratliff
Calhoun	Reagan
Creighton	Richter
Crump	Rogers
Dies	Schwartz
Hall	Snelson
Hardeman	Strong
Harrington	Watson
Herring	Word
Kazen	

Nays—5

Hazlewood	Patman
Hightower	Spears
Kennard	

Absent

Cole

Absent—Excused

Colson	Moore
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House Concurrent Resolution 80 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 80, Granting either House permission to adjourn from Thursday, April 15, 1965, to Tuesday, April 20, 1965.

The resolution was read.

On motion of Senator Blanchard and by unanimous consent the resolution was considered immediately and was adopted.

House Bills on First Reading

The following bills received from the House were read the first time and referred to the Committee indicated:

H. B. No. 114, to Committee on Privileges and Elections.

H. B. No. 395, to Committee on Jurisprudence.

H. B. No. 80, to Committee on Agriculture and Livestock.

H. B. No. 350, to Committee on Legislative, Congressional and Judicial Districts.

H. B. No. 169, to Committee on Jurisprudence.

H. B. No. 541, to Committee on Game and Fish.

Report of Standing Committee

Senator Ratliff by unanimous consent submitted the following report:

Austin, Texas,
April 6, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns to which was referred S. B. No. 496, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

RATLIFF, Chairman.

Senate Bill 285 on Second Reading

The President laid before the Senate as Unfinished Business S. B. No. 285 (the bill having been read the second time on Wednesday, March 24, 1965, and an amendment by Senator Bates pending and again laid before the Senate on Monday, April 5, 1965, and an amendment by Senator Schwartz to the pending amendment by Senator Bates pending).

Question—Shall the amendment by Senator Schwartz to the pending amendment by Senator Bates be adopted?

The amendment by Senator Schwartz to the pending amendment by Senator Bates failed of adoption.

Record of Votes

Senators Schwartz, Patman, Rogers, Richter, Hall, Harrington, Aikin and Herring asked to be recorded as voting "Yea" on the adoption of the amendment.

Senator Schwartz offered the following amendment to the pending amendment by Senator Bates:

Amend the pending amendment to S. B. No. 285 by striking the word "unreasonable" from Section 3 thereof.

The amendment was read and was adopted.

The amendment by Senator Bates as amended was then adopted.

Record of Vote

Senator Schwartz asked to be recorded as voting "Nay" on the adoption of the amendment by Senator Bates as amended.

The bill as amended was passed to engrossment.

Record of Votes

Senators Schwartz, Patman and Rogers asked to be recorded as voting "Nay" on the passage of S. B. No. 285 to engrossment.

Motion to Place Senate Bill 285 on Third Reading

Senator Bates moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 285 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the Members present):

Yeas—20

Bates	Hightower
Blanchard	Kennard
Calhoun	Krueger
Cole	Parkhouse
Creighton	Ratliff
Crump	Reagan
Hall	Snelson
Hardeman	Strong
Harrington	Watson
Hazlewood	Word

Nays—9

Aikin	Richter
Dies	Rogers
Herring	Schwartz
Kazen	Spears
Patman	

Absent—Excused

Colson	Moore
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Senate Bill 378 on Second Reading

On motion of Senator Word and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 378, A bill to be entitled "An Act relating to return of an accident and sickness insurance policy by the insured within a certain period

after its delivery to him and the refund of the premium paid; amending Subsection (A), Section 3, Chapter 397, Acts of the 54th Legislature, 1955 (Subsection (A), Article 3.70-3, Vernon's Texas Insurance Code), by adding a subdivision (1-a); and declaring an emergency."

The bill was read second time.

Senator Word offered the following amendment to the bill:

Amend Senate Bill 378 by striking all of Senate Bill 378 below the enacting clause and substituting in lieu thereof the following:

"Section 1. Subsection (A), Section 2, Chapter 397, Acts of the 54th Legislature, 1955 (Subsection (A), Article 3.70-2, Vernon's Texas Insurance Code), is amended to read as follows:

"(A) No policy of accident and sickness insurance shall be delivered or issued for delivery to any person in this state unless:

"(1) the entire money and other consideration therefor are expressed therein or in the application, if it is made a part of the policy; and

"(2) the time at which the insurance takes effect and terminates is expressed therein; and

"(3) it purports to insure only one person, except that a policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family who shall be deemed the policy holder, any two or more eligible members of that family, including husband, wife, dependent children or any children under a specified age which shall not exceed twenty-five years, and any other person dependent upon the policy holder; and

"(4) the style, arrangement and over-all appearance of the policy give no undue prominence to any portion of the text, and unless every printed papers (except copies of applications and identification cards) is plainly printed in light-faced type of a style in general use, the size of which shall be uniform and not less than ten-point with a lower-case unspaced alphabet length not less than one hundred and twenty-point (the "text" shall include all printed matter except the name and address of the insurer, name or title of the policy, the brief description, if any, and captions and sub-captions); and

"(5) the exceptions and reductions of indemnity are set forth in the policy and, except those which are set forth in Section 3 of this Act, are printed, at the insurer's option, either included with the benefit provision to which they apply, or under an appropriate caption such as "Exceptions" or "Exceptions and Reductions"; provided that if an exception or reduction specifically applies only to a particular benefit of the policy, a statement of such exception or reduction shall be included with the benefit provision to which it applies; and

"(6) each such form, including riders and endorsements, shall be identified by a form number in the lower left-hand corner of the first page thereof; and

"(7) it contains no provision purporting to make any portion of the charter, rules, constitution, or by-laws of the insurer a part of the policy unless such portion is set forth in full in the policy, except in the case of the incorporation of, or reference to, a statement of rates or classification of risks, or short-rate table filed with the Board.

"(8) it shall have printed thereon or attached thereto a notice stating in substance that the person to whom the policy is issued shall be permitted to return the policy within ten (10) days of its delivery to such person and to have the premium paid refunded if, after examination of the policy, such person is not satisfied with it for any reason. If such person pursuant to such notice, returns the policy to the insurer at its home or branch office or to the agent through whom it was purchased, it shall be void from the beginning and the parties shall be in the same position as if no policy had been issued. This subdivision shall not apply to single premium nonrenewable policies.

Section 2. This Act takes effect on January 1, 1966.

Section 3. The importance of this legislation and the crowded condition of the calendar in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and the Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted.

Senator Word offered the following amendment to the bill:

Amend Senate Bill 378 by striking all above the enacting clause and inserting in lieu thereof the following:

"An Act relating to a ten day right of examination of an accident and sickness insurance policy during which the policy may be returned after its delivery and a refund of the premium paid; amending Subsection (A), Section 2, Chapter 397, Acts of the 54th Legislature, 1955, (Subsection (A), Article 3.70-2, Vernon's Texas Insurance Code), by adding a subdivision (8); and declaring an emergency."

The amendment was read and was adopted.

(Senator Aikin in the Chair.)

The bill as amended was passed to engrossment.

Senate Bill 378 on Third Reading

Senator Word moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 378 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Kazen
Bates	Krueger
Blanchard	Parkhouse
Calhoun	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Snelson
Hazlewood	Strong
Herring	Watson
Hightower	Word

Absent

Cole	Spears
Kennard	

Absent—Excused

Colson	Moore
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The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Committee Substitute Senate Bill 310 on Second Reading

On motion of Senator Hazlewood and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C. S. S. B. No. 310, A bill to be entitled "An Act providing for the issuance of bonds and the establishment of a loan program for students at institutions of higher education pursuant to Section 50b, Article III, Constitution of the State of Texas; providing for the administration of such program by the Coordinating Board, Texas College and University System or its successor or successors; and declaring an emergency."

The bill was read second time.

Senator Hazlewood offered the following amendment to the bill:

Amend Committee Substitute for Senate Bill 310, page 2 of the printed bill by adding the following words after the word "system" in Line 16 thereof and before the word "as" in said Line 16, as follows: "or its successor or successors."

The amendment was read and was adopted.

Senator Hazlewood offered the following amendment to the bill:

Amend Committee Substitute for Senate Bill 310 by striking out the following words and figures on page 1, line 61 of the printed bill, "Seventy-five Million Dollars (\$75,000,000.00)," and substituting therefor the following language and figures, "Eighty-five Million Dollars (\$85,000,000.00)".

The amendment was read and was adopted.

Senator Hazlewood offered the following amendment to the bill:

Amend Committee Substitute for Senate Bill 310 on page 5 of the printed bill by striking all of Section No. 1, Lines 2 through 8, inclusive, and substituting therefor the following:

"Section 1. Participating Institutions. A participating higher educational institution shall be any higher educational institution, public, or pri-

vate non-profit, including Junior Colleges, which are recognized or accredited by the Texas Education Agency or the Coordinating Board, Texas College and University System, or its successor or successors, and which complies with the provisions of this Act and the rules and regulations of the Board promulgated in accordance herewith."

The amendment was read and was adopted.

Senator Hardeman offered the following amendment to the bill:

Amend C. S. S. B. 310 by striking out the word "Preamble" and all "whereas" clauses below the caption.

The amendment was read and was adopted.

On motion of Senator Hazlewood and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Committee Substitute Senate Bill 310 on Third Reading

Senator Hazlewood moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that C. S. S. B. No. 310 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Kennard
Bates	Krueger
Blanchard	Parkhouse
Calhoun	Patman
Cole	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Hazlewood	Spears
Herring	Strong
Hightower	Watson
Kazen	Word

Absent

Harrington

Absent—Excused

Colson Moore

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Kennard
Bates	Krueger
Blanchard	Parkhouse
Calhoun	Patman
Cole	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

Absent—Excused

Colson Moore

(President in the Chair.)

Senate Bill 33 on Second Reading

On motion of Senator Richter and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 33, A bill to be entitled "An Act relating to travel and per diem allowances for members of the State Soil Conservation Board, district supervisors, and delegates and alternates to the State District Conservation Conventions; changing the time supervisors are elected; deleting obsolete provisions relating to delegates to the State District Conservation Conventions; etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 33 on Third Reading

Senator Richter moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 33 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Kennard
Bates	Krueger
Blanchard	Parkhouse
Calhoun	Patman
Cole	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

Absent—Excused

Colson	Moore
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 397 on Second Reading

On motion of Senator Dies and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 397, A bill to be entitled "An Act amending Paragraph 3 of Section 5, Chapter 3, Page 465, Acts, 46th Legislature, 1939 (codified as Section 3 of Article 5421C-3, Vernon's Texas Civil Statutes) to remove the Governor from the School Land Board and substituting one citizen of the state appointed by the Governor with the advice and consent of the Senate, who shall serve for a term of two (2) years; repealing Section 5 of Chapter 442, Acts, 58th Legislature, 1963; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 397 on Third Reading

Senator Dies moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 397 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Kennard
Bates	Krueger
Blanchard	Parkhouse
Calhoun	Patman
Cole	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

Absent—Excused

Colson	Moore
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Kennard
Bates	Krueger
Blanchard	Parkhouse
Calhoun	Patman
Cole	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

Absent—Excused

Colson	Moore
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Senate Bill 486 on Second Reading

On motion of Senator Dies and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment.

S. B. No. 486, A bill to be entitled "An Act relating to standards for legislative apportionment for the Legislature of the State of Texas; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 486 on Third Reading

Senator Dies moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 486 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Kennard
Bates	Krueger
Blanchard	Parkhouse
Calhoun	Patman
Cole	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

Absent—Excused

Colson Moore

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Kazen
Bates	Krueger
Blanchard	Parkhouse
Calhoun	Patman
Cole	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Strong
Hazlewood	Watson
Herring	Word
Hightower	

Nays—2

Kennard Spears

Absent—Excused

Colson Moore

Committee Substitute Senate Bill 165 on Second Reading

Senator Reagan asked unanimous

consent to suspend the regular order of business and take up C. S. S. B. No. 165 for consideration at this time.

There was objection.

Senator Reagan then moved to suspend the regular order of business and take up C. S. S. B. No. 165 for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin	Kennard
Bates	Krueger
Blanchard	Parkhouse
Calhoun	Patman
Cole	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Harrington	Snelson
Hazlewood	Spears
Herring	Strong
Hightower	Watson
Kazen	Word

Absent

Hardeman

Absent—Excused

Colson Moore

The President laid before the Senate on its second reading and passage to engrossment:

C. S. S. B. No. 165, A bill to be entitled "An Act designating the Parks and Wildlife Department of the State of Texas as the State Agency to cooperate with the Federal Government in the administration of the "Land and Water Conservation Fund Act of 1965" (Public Law 88-578); authorizing the Parks and Wildlife Department to enter into any essential agreements with the Federal Government and with any political subdivisions of the State, including cities, counties, water districts, river authorities, and special districts in outdoor recreation projects, for the purpose of carrying out the provisions of this Act; authorizing the Parks and Wildlife Department to accept and expend moneys from the Federal Government and/or moneys received from political subdivisions of the State and/or other sources; authorizing the Department to adopt rules and regulations for administering the program

and projects and for determining the method of administration; authorizing the Department to establish a comprehensive State-wide outdoor recreation program for the State; creating a Special Fund in the Treasury to be known as the "State Land and Water Conservation Fund" and appropriating said fund to the Department; providing a repealing clause, a savings clause, and declaring an emergency."

The bill was read second time.

Senator Reagan offered the following amendment to the bill:

To amend S. B. No. 165 by eliminating the following language from the second paragraph of Section 1 of S. B. No. 165 which reads as follows:

"It is the intent of the Legislature to add to the purposes and functions of river authorities and water districts the development of local projects." and by substituting in lieu thereof:

"It is the intent of the Legislature to add to the purposes, functions and duties of river authorities and water districts or other political subdivisions organized under Article III, Section 52, or Article XVI, Section 59, of the Constitution of Texas, and counties, to acquire lands for public recreation purposes, to construct thereon facilities for public use, to provide for the operation, maintenance and supervision of such public recreation areas, and to enter into agreements with other Local, State or Federal agencies for planning, construction, maintenance, and operation of such facilities, together with necessary access roads thereto, and to maintain adequate sanitary standards on the land and water areas as a part of and adjacent to such recreation areas."

The amendment was read and was adopted.

On motion of Senator Reagan and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Committee Substitute Senate Bill 165 on Third Reading

Senator Reagan moved that the Constitutional Rule and Senate Rule

32 requiring bills to be read on three several days be suspended and that C. S. S. B. No. 165 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Kennard
Bates	Krueger
Blanchard	Parkhouse
Calhoun	Patman
Cole	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

Absent—Excused

Colson	Moore
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 458 on Second Reading

On motion of Senator Reagan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 458, A bill to be entitled "An Act to amend the airport zoning Act of 1947, Acts of the 50th Legislature, Regular Session, Chapter 391, Page 748 (compiled as Article 46e, of Vernon's Texas Civil Statutes), as amended, to make the provision thereof applicable to any installation related to flight, including installation for tracking and/or data acquisition, making all other provisions of the act applicable to such installations and operations and regulating the use of property under the provisions of the airport zoning act within a five-mile radius of the airport or installation related to flight; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 458 on Third Reading

Senator Reagan moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 458 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Kennard
Bates	Krueger
Blanchard	Parkhouse
Calhoun	Patman
Cole	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

Absent—Excused

Colson	Moore
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Kennard
Bates	Krueger
Blanchard	Parkhouse
Calhoun	Patman
Cole	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

Absent—Excused

Colson	Moore
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(Senator Herring in the Chair.)

Senate Bill 42 on Second Reading

On motion of Senator Hightower and by unanimous consent, the regu-

lar order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 42, A bill to be entitled "An Act amending Chapter 320, Acts of the 55th Legislature, Regular Session, 1957, relating to the liability of parents of minors under the age of eighteen and over the age of 10 who maliciously and wilfully damage or destroy certain property; declaring an emergency."

The bill was read second time.

Senator Hightower offered the following Committee Amendment to the bill:

Amend S. B. No. 42, Section 1, by inserting after the word "damages" on line 8, subsection 1, the following: 'provided such damages are not in excess of five thousand dollars.'

The Committee Amendment was read.

Senator Hightower offered the following substitute for the pending Committee Amendment:

Amend S. B. 42 by deleting the last sentence in Section 2 beginning on line 47 and inserting in lieu thereof the following: "The recovery shall be limited to the actual damages suffered or the sum of Five Thousand Dollars, whichever is lower, court costs and reasonable attorney's fees."

The substitute for the Committee Amendment was read and was adopted.

The Committee Amendment as substituted was then adopted.

The bill as amended was passed to engrossment.

Senate Bill 42 on Third Reading

Senator Hightower moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 42 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Blanchard
Bates	Calhoun

Cole	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Hall	Richter
Hardeman	Rogers
Harrington	Schwartz
Hazlewood	Snelson
Herring	Spears
Hightower	Strong
Kazen	Watson
Kennard	Word
Krueger	

Absent—Excused

Colson	Moore
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The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

(President in the Chair.)

Senator Word offered the following amendment to the bill:

Amend S. B. 42, Sec. 1, line 38 by deleting the word "who" and inserting in lieu thereof, "when such minor child."

The amendment was read and was adopted by the following vote:

Yeas—29

Aikin	Kennard
Bates	Krueger
Blanchard	Parkhouse
Calhoun	Patman
Cole	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

Absent—Excused

Colson	Moore
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On motion of Senator Hightower and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was finally passed by the following vote:

Yeas—29

Aikin	Bates
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Blanchard	Krueger
Calhoun	Parkhouse
Cole	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Snelson
Hazlewood	Spears
Herring	Strong
Hightower	Watson
Kazen	Word
Kennard	

Absent—Excused

Colson	Moore
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**Committee Substitute
Senate Bill 97 on Second Reading**

Senator Hall asked unanimous consent to suspend the regular order of business and take up C. S. S. B. No. 97 for consideration at this time.

There was objection.

Senator Hall then moved to suspend the regular order of business and take up C. S. S. B. No. 97 for consideration at this time.

The motion prevailed by the following vote:

Yeas—21

Aikin	Parkhouse
Bates	Ratliff
Calhoun	Reagan
Cole	Richter
Creighton	Schwartz
Crump	Snelson
Hall	Spears
Harrington	Strong
Hazlewood	Watson
Herring	Word
Hightower	

Nays—6

Dies	Krueger
Hardeman	Patman
Kazen	Rogers

Absent

Blanchard	Kennard
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Absent—Excused

Colson	Moore
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The President laid before the Senate on its second reading and passage to engrossment:

C. S. S. B. No. 97, A bill to be en-

titled "An Act relating to the licensing of polygraph examiners; creating a Polygraph Examiners Board; granting certain powers to the Polygraph Examiners Board; establishing minimum instrumentation requirements; providing for penalties for violation of provisions of this Act; and declaring an emergency."

The bill was read second time.

Senator Hardeman offered the following amendment to the bill:

Amend C. S. S. B. 97, Sec. 4, line 42 by striking the words and symbols "A & M University" and insert in lieu the words and symbols "Texas A & M University System" and by striking the word "five" line 42 and insert the word "six" and in line 57 by changing the word "one" to "two" and in line 58 by changing the word "one" to "two" and by changing the comma to a period after the word "years" line 54 and strike the remainder of said sentence ending with the word "conduct."

The amendment was read and was adopted.

Senator Aikin offered the following amendment to the bill:

Amend S. B. 97 by striking out (B), Section 4, page 1 and insert in lieu thereof the following: "The number of employees and the salaries of each, including travel and expense allowance of the members of the Board shall be as fixed in the general appropriation bill."

The amendment was read and was adopted.

On motion of Senator Hall and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Record of Votes

Senators Hardeman, Strong, Kazen, Krueger, Dies, Patman, Spears, Rogers and Cole asked to be recorded as voting "Nay" on the passage of C. S. S. B. No. 97 to engrossment.

Leave of Absence

Senator Hazlewood was granted leave of absence for the remainder of

the day on account of important business on motion of Senator Aikin.

Motion to Place Committee Substitute Senate Bill 97 on Third Reading

Senator Hall moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that C. S. S. B. No. 97 be placed on its third reading and final passage.

The motion was lost (not receiving four-fifths vote of Members present) by the following vote:

Yeas—20

Aikin	Kennard
Bates	Parkhouse
Blanchard	Ratliff
Calhoun	Reagan
Creighton	Richter
Crump	Schwartz
Hall	Snelson
Harrington	Spears
Herring	Watson
Hightower	Word

Nays—8

Cole	Krueger
Dies	Patman
Hardeman	Rogers
Kazen	Strong

Absent—Excused

Colson	Moore
Hazlewood	

Senate Bill 388 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 388, A bill to be entitled "An Act amending Section 2 of Chapter 6, Acts of the 43rd Legislature, First Called Session, 1933 (codified in Vernon's as Section 2 of Article 2654b-1, Vernon's Civil Statutes); providing for the issuance of scholarships to the highest ranking graduate of each accredited high school of this State by the governing boards of the several institutions of collegiate rank supported in whole or in part by public funds appropriated from the State Treasury; making other provisions relating thereto; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 388 on Third Reading

Senator Aikin moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 388 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Kennard
Bates	Krueger
Blanchard	Parkhouse
Calhoun	Patman
Cole	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Herring	Strong
Hightower	Watson
Kazen	Word

Absent—Excused

Colson	Moore
Hazlewood	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Kennard
Bates	Krueger
Blanchard	Parkhouse
Calhoun	Patman
Cole	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Herring	Strong
Hightower	Watson
Kazen	Word

Absent—Excused

Colson	Moore
Hazlewood	

Senate Bill 141 on Second Reading

Senator Creighton asked unanimous consent to suspend the regular order of business and take up S. B. No. 141 for consideration at this time.

There was objection.

Senator Creighton then moved to suspend the regular order of business and take up S. B. No. 141 for consideration at this time.

The motion prevailed by the following vote:

Yeas—22

Aikin	Kennard
Bates	Krueger
Blanchard	Parkhouse
Calhoun	Reagan
Cole	Richter
Creighton	Schwartz
Hall	Snelson
Harrington	Spears
Herring	Strong
Hightower	Watson
Kazen	Word

Nays—6

Crump	Patman
Dies	Ratliff
Hardeman	Rogers

Absent—Excused

Colson	Moore
Hazlewood	

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 141, A bill to be entitled "An Act to be known as the Uniform Commercial Code, Relating to Certain Commercial Transactions in or regarding Personal Property and Contracts and other Documents concerning them, including Sales, Commercial Paper, Bank Deposits and Collections, Letters of Credit, Bulk Transfers, Warehouse Receipts, Bills of Lading, other Documents of Title, Investment Securities, and Secured Transactions, including certain Sales of Accounts, Chattel paper, and Contract Rights."

The bill was read second time.

Senator Creighton offered the following Committee Amendment to the bill:

Amend S. B. 141 in the following respects:

(1) Amend Section 7-403(1)(b) of S. B. 141 by inserting just before the semicolon at the end of the subdivision the following:

" , but the burden of establishing

negligence in case of damage or destruction by fire is on the person entitled under the document"

(2) Amend Section 7-209 of S. B. 141 to read as follows:

"Section 7-209. Lien of Warehouseman.

(1) (a) A warehouseman has a lien against the bailor on the goods covered by a warehouse receipt or on the proceeds thereof in his possession for charges for storage or transportation (including demurrage and terminal charges), insurance, labor, or charges present or future in relation to the goods, and for expenses necessary for preservation of the goods or reasonably incurred in their sale pursuant to law.

(b) If the person on whose account the goods are held is liable for like charges or expenses in relation to other goods whenever deposited and it is stated in the receipt that a lien is claimed for charges and expenses in relation to other goods, the warehouseman also has a lien against him for such charges and expenses whether or not the other goods have been delivered by the warehouseman. But against a person to whom a negotiable warehouse receipt is duly negotiated a warehouseman's lien is limited to charges in an amount or at a rate specified on the receipt or if no charges are so specified then to a reasonable charge for storage of the goods covered by the receipt subsequent to the date of the receipt.

(2) The warehouseman may also reserve a security interest against the bailor for a maximum amount specified on the receipt for charges other than those specified in subsection (1), such as for money advanced and interest. Such a security interest is governed by the Article on Secured Transactions (Article 9).

(3) A warehouseman's lien for charges and expenses under subsection (1) or a security interest under subsection (2) is also effective against any person who so entrusted the bailor with possession of the goods that a pledge of them by him to a good faith purchaser for value would have been valid but is not effective against a person as to whom the document confers no right in the goods covered by it under Section 7-503. However, the warehouseman's specific lien for charges and expenses under subsection (1)(a) is effective against any

security interest. If the warehouseman learns of a perfected security interest owned by a person as to whom the document confers no right in the goods covered by it under Section 7-503 against the goods and fails thereafter to give such security party (Section 9-105) written notice of the accrued and unpaid charges and expenses at the time when they have accrued for between two and six months, then the warehouseman's specific lien under subsection (1)(a) is effective as against such secured party only with respect to unpaid charges and expenses which have accrued by the end of six months.

(4) A warehouseman loses his lien on any goods which he voluntarily delivers or which he unjustifiably refuses to deliver.

(3) Amend Section 9-302 of S. B. 141 by adding thereto a new subsection to be designated subsection (5) and which subsection reads as follows:

"(5) Where the collateral is goods which are fixtures or are to become fixtures and the debtor is a person engaged in this State in one or more of the following activities, then a security interest in the goods may be perfected by filing in accordance with Chapter 195, Acts 52nd Legislature, 1951:

(i) the generation, manufacture, transmission, distribution and sale of electric energy and power to the public;

(ii) the transportation, distribution and sale through local distribution system or systems of natural or other gas to the public for domestic, commercial, industrial or any other use; and

(iii) the owning or operating of any pipeline for the transportation and sale of natural gas, crude oil or petroleum products to other pipeline companies or to local distributing systems, or to municipalities, or to industrial consumers for their own use."

(4) Amend Section 2-318 of S. B. 141 to read as follows:

"Section 2-318. Article Neutral on Question of Third Party Beneficiaries of Warranties of Quality and on Need for Privity of Contract

This Article does not provide whether anyone other than a buyer may take advantage of an express or implied warranty of quality made to the buyer or whether the buyer or anyone entitled to take advantage of a warranty made to the buyer may

sue a third party other than the immediate seller for deficiencies in the quality of the goods. These matters are left to the courts for their determination."

The Committee Amendment was read and was adopted.

Senator Creighton offered the following Committee Amendment to the bill:

Amend S. B. No. 141 in the following respects:

(1) Amend S. B. No. 141 by striking from Section 9-401 the first of two subsections designated as subsection (3).

(2) Amend subdivision (c) of subsection (1) of Section 6-104 of S. B. No. 141 by striking the phrase "(a public office to be here identified)" and substituting therefor the following:

"the office of the County Clerk of the county in which the transferor had its principal place of business in this state"

(3) Amend subdivision (b) of subsection (1) of Section 4-202 of S. B. 141 to read as follows:

"(b) sending notice of dishonor or non-payment or returning an item other than a documentary draft to the bank's transferor or directly to the depository bank under subsection (2) of Section 4-212 after learning that the item has not been paid or accepted, as the case may be; and"

The Committee Amendment was read and was adopted.

Senator Creighton offered the following amendment to the bill:

Amend Section 10-104 of Senate Bill No. 141 so as to add a new subsection (3.) as follows:

(3.) This Act does not repeal nor diminish Chapter 269, Acts 55th Legislature, 1957, as amended (compiled as Vernon's Texas Civil Statutes Annotated, Article 581, and known as The Texas Securities Act). If in any respect there is any inconsistency between that Act and this Act the provisions of the former Act control.

The amendment was read and was adopted.

On motion of Senator Creighton and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Record of Votes

Senators Patman and Hardeman asked to be recorded as voting "Nay" on the passage of S. B. No. 141 to engrossment.

Memorial Resolutions

S. R. No. 412—By Senator Harrington: Memorial resolution for Dr. Samuel L. Evans.

S. R. No. 413—By Senator Blanchard: Memorial resolution for Sam A. Henry, Sr.

S. R. No. 414—By Senator Watson: Memorial resolution for Barton Atkinson.

S. R. No. 415—By Senator Watson: Memorial resolution for R. L. Moss.

S. R. No. 416—By Senator Watson: Memorial resolution for Barton Koch.

S. R. No. 417—By Senator Watson: Memorial resolution for Robert Michael Crozier.

S. R. No. 425—By Senator Watson: Memorial resolution for W. R. Janke.

S. R. No. 426—By Senator Watson: Memorial resolution for W. D. Wolf.

S. R. No. 427—By Senator Watson: Memorial resolution for Grady H. Stiles.

S. R. No. 428—By Senator Watson: Memorial resolution for Fred Plsek.

Welcome Resolutions

S. R. No. 418—By Senator Watson: Extending welcome to Bill Burns et al.

S. R. No. 419—By Senator Watson: Extending welcome to students and professor of Baylor University of Waco.

S. R. No. 420—By Senator Colson: Extending welcome to students, teachers and sponsors of Groveton High School.

S. R. No. 422—By Senator Hall: Extending welcome to Douglas A. Lord, et al. of Dallas and Justin.

S. R. No. 423—By Senator Herring:

Extending welcome to students and teachers of Travis High School of Austin.

S. R. No. 424—By Senator Dies: Extending welcome to Mrs. Madge Stallings, et al.

S. R. No. 429—By Senator Watson: Extending welcome to Henry Stefka of Temple.

Adjournment

On motion of Senator Hardeman the Senate at 4:13 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

APPENDIX

Report of Standing Committee

Senator Hardeman submitted the following report:

Austin, Texas,
April 6, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 399, An Act authorizing certain school districts to issue time warrants; and declaring an emergency.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Sent to Governor

April 6, 1965

S. B. No. 34

S. C. R. No. 22

In Memory of
J. G. (Jim) Simms

Senator Word offered the following resolution:

(Senate Resolution 411)

Whereas, On Wednesday, June 26, 1963, our Heavenly Father called from his earthly home, one of our outstanding citizens and a longtime resident of Bosque County, J. G. (Jim) Simms, age 81 years; and

Whereas, He gave a lifetime of service to his government, his community and his friends; and

Whereas, He was postmaster at Mosheim from February 11, 1911 to January 26, 1921, and he was postmaster at Valley Mills from September 16, 1933; and

Whereas, He was president of the National League of Postmasters from 1938 to 1940; and

Whereas, He served as County School Trustee of Bosque County and City School Trustee in both Mosheim and Valley Mills; and

Whereas, He served as a Councilman and two terms as Mayor of Valley Mills, serving several years each term; and

Whereas, He was a Mason for over fifty years; and

Whereas, He was a Steward in the First Methodist Church of Valley Mills; and

Whereas, Mr. Simms was a consistent Democrat who believed in strict party loyalty and democratic principles; he was known affectionately as "Mr. Democrat of Central Texas"; and

Whereas, Included in his broad circle of friends were the Honorable Lyndon B. Johnson, President of the United States; the late Honorable Sam Rayburn, Speaker of the House of Representatives, United States Congress; the Honorable John B. Connally, Governor of the State of Texas; and the Honorable Ralph W. Yarborough, United States Senator; and

Whereas, Mr. Simms spent much of his time in the upbuilding of his community, city and State; Now, therefore, be it

Resolved, That the Senate of Texas does hereby express its deep and abiding sympathy to the members of his family and that copies of this resolution under the Seal of the Senate be sent to his survivors, namely, his widow, Mrs. J. G. (Leah) Simms, Valley Mills, Texas; two daughters, Mrs. Lillie Mae Higginbotham and Mrs. Madelyn Kants; a sister, Mrs. Lillie Stovall of Abilene; a brother, W. E. Simms of Weatherford, Texas; four grandchildren and four great-grandchildren; and be it further

Resolved, That a page be set aside in the Senate Journal as a memorial to J. G. (Jim) Simms and that when the Senate adjourn today that it do so in his memory.

The resolution was read and was adopted by a rising vote of the Senate.